

## **Opening Statement**

**Senator Robert F. Bennett**

**Rules Committee Hearing – 2/2/10**

Just a few weeks ago, on the eve of a federal election, a corporate employee went on the air to describe a candidate in that election as among other things, "an irresponsible, homophobic, racist, reactionary,...supporter of violence against women and against politicians with whom he disagrees."

This statement, made in a corporate studio, broadcast with corporate money, was directed to the voting public and was clearly designed to influence their opinion of the candidate (which it may have but not in the way he intended).

In spite of their clear intent, the corporate employee responsible for these statements was able to broadcast them without any fear of violating our election laws. He did not have to hire counsel to advise him if the statement could be legally broadcast. He did not have to check with the FEC to see if they would permit him to make the statement before doing so.

Though these statements were made before the Citizens United decision was handed down they could be made in the full confidence that there would be no legal consequence because the corporation this employee worked for was a media corporation.

Had any other corporation used their treasury funds to broadcast a similar statement on the eve of an election they would have been guilty of a crime.

That was on a Monday.

By Friday of that week – things had changed.

They changed because on Thursday the Supreme Court of the United States issued its opinion in the Citizens United case.

In doing so, it found that the First Amendment applies to all Americans – not just those who have their own TV show.

With this decision, all Americans can know that they are free to speak their minds on issues of public concern without having to first get the permission of the government.

All Americans can now make their views known about federal candidates, without having to hire counsel to make sure they are abiding by the law.

All Americans can praise or criticize officeholders without having to worry about committing a crime.

This is the essence of the First Amendment.

It has been eroded by the laws this Congress has passed to regulate, restrict and criminalize political speech.

In striking down these laws and reversing its previous decisions that had upheld them, the Court has restored fundamental rights that the First Amendment guarantees to all Americans.

This decision means one thing and one thing only – that there will be more free speech in our political campaigns.

That is a good thing.

It should not be feared.

It should be cheered and celebrated.

Those of us who opposed the McCain Feingold bill did so because we knew that its speech restrictions were unconstitutional.

We were disappointed when the Court initially failed to recognize this but we are gratified that it did not take them too long to see the light. It did not take long for it to become abundantly clear that the restrictions imposed were creating a confusing regulatory morass that was stifling speech and discouraging participation in politics.

The Citizens United decision removes those barriers and allows what should never have been prohibited – full, free and robust debate about the issues that confront us.

I applaud the Court for its decision.

I am sorry the Chairman does not share these views but I look forward to the testimony of the witnesses.